REMARKS

The application is to be amended as previously set forth. Responsive to the restriction requirement, applicants elect the claims of Group I, i.e., claims 1, 4-12, 15-17, and 20-24. Applicants have further amended claims 16, 19, 23, and 47 such that the amended claims are drawn to Group I. Applicants have also added claims 71-73 drawn to Group I.

The application was also subjected to a species election. Applicants provisionally elect SEQ. ID. NO. 11 with traverse.

Applicants respectfully traverse the species election since (i) the examination of more than one sequence should not pose an undue burden on the Office under M.P.E.P. §803.04; (ii) the claims of the present application comply with the unity of invention requirement because the sequences claimed have a common technical feature; (iii) the applicants have paid for an international search report and a preliminary examination report and are therefore entitled to have more than one sequence examined under M.P.E.P. §1850; (iv) the applicants have paid for the examination of the pending claims and it would be unfair to the applicants to pay for the examination of more claims; and (v) rejoinder is permitted for claims limited to any allowable sequences.

Applicants submit that the examination of more than one sequence would not pose an undue burden on the Office because M.P.E.P. §803.04 indicates that the Office has determined that up to ten independent sequences will be examined in a single application without restriction. M.P.E.P. §803.04. Furthermore, the applicants have paid for an international search report and a preliminary examination report, and under M.P.E.P. §1850 the Office has determined that up to four additional sequences per group is a reasonable number of sequences for examination. M.P.E.P. §1850. Applicants therefore submit that it should not be an undue burden on the Office to examine more than one peptide sequence.

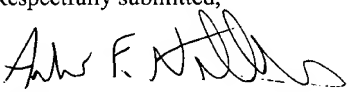
Applicants further submit that because the International Searching Authority did not determine the present application lacked unity of invention, the claims of the present application are directed to a single general inventive concept. Applicants contend that because all sequences claimed in the present application contain the same common technical feature directed to antagonistic or agonistic IL-6 activity against the IL-6 signaling cascade, all pending claims are directed to the same invention.

Applicants also submit that since "any claims which have been restricted and non-selected and which are limited to the allowable sequence(s) will be rejoined and examined," any claims directed to methods of using or making the allowable sequence should be examined and reserve the right to re-join such claims upon allowance of the elected claims. See 1192 O.G. 68 (November 19, 1996).

CONCLUSION

If questions exist after consideration of the foregoing, the Office is kindly requested to contact the applicants' representative at the address or telephone number below.

Respectfully submitted,



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AFN
Date: November 8, 2001
Attachments: Marked up Version of Claims

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MARKED UP VERSION OF CLAIMS

16. (Amended) A method for clearing [Use of a peptide, peptide composition or antibody according to anyone of claims 1-12 to clear] extra-corporeal blood or blood products from IL-6 or IL-6 receptor molecules[.] using a peptide, peptide composition or antibody of claim 1.

19. (Amended) A method for exerting [Use of a peptide according to claim 7 to exert] agonistic IL-6 activity at concentrations that are relatively equivalent to 7.5 to 120 μg/ml[.] using a peptide according to claim 7.

23. (Amended) A method for manufacturing [Use of] a medicament comprising a peptide, or peptide combination [according to anyone] for topical or intra-mammary application according to claim[s] 1[-11 for the manufacture of a medicament for topical or intra-mammary application].

47. (Amended) A method for manufacturing [Use of] a pharmaceutical preparation according to claim [6] 7 for topical or intra-mammary application.